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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110.00

Complete if Known

Application Number	09/350,202
Filing Date	07/09/1999
First Named Inventor	June, et al
Examiner Name	Phillip Gambel
Art Unit	1644
Attorney Docket No.	36119.125US9

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 08-0219
Deposit Account Name: Winner Cutler Pickering Hale and Dorr LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20** = X =
Independent Claims: -3** = X =
Multiple Dependent: 0 = 0

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	110.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Colleen Superko	Registration No.	39,850	Telephone	(617) 526-6564
Signature	<i>Colleen Superko</i>	(Attorney/Agent)		Date	07/27/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDR: SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/350,202 Art Unit: 1644
Applicant: June *et al.* Examiner: Phillip Gambel
Date Filed: July 8, 1999 Conf. No. 7708
Docket No. 36119.125US9 Cust. No. 23483
Title: **Methods for Selectively Stimulating Proliferation of T Cells**

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 236757177 US
Express Mail No.

7/27/04
Date of Deposit

Rochelle Capobianco
Rochelle Capobianco

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

Pursuant to 35 U.S.C. § 253 and 37 C.F.R. § 1.321, Genetics Institute, Inc., (now Wyeth) hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,352,694 and U.S. Patent No. 6,534,055.

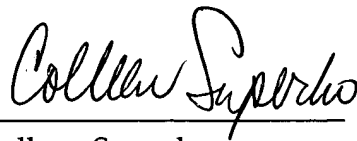
Any patent granted on the subject application shall be enforceable only for and during such period that such patent is commonly owned with U.S. Patent No. 6,352,694 and U.S. Patent No. 6,534,055. Genetics Institute, Inc. (now Wyeth) does not disclaim any portion of the term of such patent that would extend beyond invalidation or other

07/29/2004 HALI11 00000013 080219 09350202
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BOSTON 1956121v1

premature termination of enforceability of U.S. Patent No. 6,352,694 and U.S. Patent No. 6,534,055.

Please charge our Deposit Account No. 08-0219 for the petition fee pursuant to 37 C.F.R. § 1.20(d).

Respectfully submitted,

A handwritten signature in cursive script, reading "Colleen Superko", written over a horizontal line.

Colleen Superko
Registration No. 39,850

Date: July 27, 2004

WILMER CUTLER PICKERING HALE AND DORR LLP
60 State Street
Boston, MA 02109
Tel: (617) 526-6564
Fax: (617) 526-5000

Koipally, Joseph

From: Nunnally, Tanya [nunnally@atcc.org]
Sent: Wednesday, August 27, 2003 4:52 PM
To: Koipally, Joseph
Subject: RE: Patent Deposit HB-10271

Dear Dr. Koipally,

The item you have requested, HB-10271, has been released for distribution. To order this item please contact our Customer Service Department at: 1-800-638-6597. If you need further assistance please contact me. Thank you.

Tanya Nunnally

-----Original Message-----

From: Koipally, Joseph [mailto:Joseph.Koipally@haledorr.com]
Sent: Monday, July 07, 2003 4:38 PM
To: Nunnally, Tanya
Subject: RE: Patent Deposit HB-10271

Dear Ms. Nunnally,

I recently found a reference to the 9.3 antibody (ATCC No. HB 10271) in US patent No. 5,521,288 (Linsley, Ledbetter et al.) at column 15, l. 47. Is this sufficient to obtain a statement from ATCC saying that this antibody is readily available to the public and that all restrictions imposed by the depositor on the availability to the public of the deposited material have been irrevocably removed.

Please let me know.

Thanks very much.

Best regards,
Joseph

-----Original Message-----

From: Nunnally, Tanya [mailto:nunnally@atcc.org]
Sent: Monday, June 30, 2003 4:54 PM
To: Koipally, Joseph
Subject: RE: Patent Deposit HB-10271

Dear Dr. Koipally,

I will be glad to contact the depositor for you. I will inform you of their response as soon as I have one. Thank you.

Tanya

-----Original Message-----

From: Koipally, Joseph [mailto:Joseph.Koipally@haledorr.com]
Sent: Monday, June 30, 2003 4:52 PM
To: Nunnally, Tanya
Subject: RE: Patent Deposit HB-10271

Dear Ms. Nunnally:

Thank you very much for your reply. Could I ask you to contact the depositor to find out whether a pertinent US patent referencing the 9.3 antibody has issued and if not if he/she would have any problem releasing the deposit.

Thank you once again for your assistance in this matter.

Sincerely,
Joseph

-----Original Message-----

From: Nunnally, Tanya [mailto:nunnally@atcc.org]
Sent: Monday, June 30, 2003 4:26 PM
To: Koipally, Joseph
Subject: RE: Patent Deposit HB-10271

Dear Dr. Koipally,

Unfortunately since the item is still restricted, all information concerning it and it's depositor remains confidential. I can contact the depositor on your behalf. Other than that the only thing I can advise is to refer back to the person(s) or institution listed on the European patent application. If I can be of assistance some other way please let me know. Thank you.

Tanya

-----Original Message-----

From: Koipally, Joseph [mailto:Joseph.Koipally@haledorr.com]
Sent: Friday, June 27, 2003 12:52 PM
To: Nunnally, Tanya
Subject: RE: Patent Deposit HB-10271

Dear Ms. Nunnally,

Thank you for your prompt response. HB 10271 was described in a published European patent EP 0 440 373. Could you let me know the name and contact information for the person who has deposited HB 10271?

Thanks very much.

Best,
Joseph

-----Original Message-----

From: Nunnally, Tanya [mailto:nunnally@atcc.org]
Sent: Friday, June 27, 2003 12:23 PM
To: Koipally, Joseph
Subject: Patent Deposit HB-10271

Dear Dr. Koipally,

Thank you for your inquiry. The item you have mentioned, HB-10271, is not yet available for public distribution. It can only be distributed under the following conditions:

- (1) a U.S. patent issues, and we are so notified;
- (2) a pertinent patent office instructs us to make a sample available to a specific investigator; or
- (3) the depositor authorizes us to make a sample available to a specific investigator.

To the best of my knowledge we have not been informed by the depositor of the issuance of a pertinent U.S. patent. If you believe the

pertinent U.S. patent has issued please provide us with the patent number. We will contact the depositor to verify the information and ask for permission to release the strain. You may also contact the depositor directly to request permission to release the strain. If you have any further questions please let me know. Thank you.

Tanya Nunnally
Patent Specialist
American Type Culture Collection
Phone: 703-365-2721
Fax: 703-365-2745
E-mail: nunnally@atcc.org

-----Original Message-----

From: joseph.koipally@haledorr.com [mailto:joseph.koipally@haledorr.com]
Sent: Friday, June 27, 2003 11:06 AM
To: tech@atcc.org
Subject: Website Email

Dear Sir/Madam,
I am a technology specialist at Hale & Dorr LLP in Boston. We are prosecuting a patent that describes monoclonal antibody 9.3 (ATCC No. HB 10271) which was not deposited by us. The USPTO has requested that we provide information regarding availability of this reagent. In particular, the Examiner at the USPTO would like for us to show that the 9.3 antibody is readily available to the public and that all restrictions imposed by the depositor on the availability to the public of the deposited material was irrevocably removed upon the granting of a patent to the depositor. Would it be possible for ATCC to provide us with such a statement regarding this deposit (ATCC No. HB 10271). I would greatly appreciate hearing from you.

Thanks very much.

Best,
Joseph Koipally, Ph.D.

Item Number: HB 10271

Joseph Koipally
Hale & Dorr LLP
60 State Street,
Boston, MA 02109 USA